



Entered on Docket
June 08, 2009

Hon. Linda B. Riegler
United States Bankruptcy Judge

O'REILLY LAW GROUP, LLC

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:
USA COMMERCIAL MORTGAGE
COMPANY,
Debtor.

Case Nos.:
) BK-S-06-10725-LBR
) BK-S-06-10726 LBR
) BK-S-06-10727 LBR
) BK-S-06-10728 LBR
) BK-S-06-10729 LBR

In Re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

) JOINTLY ADMINISTERED
) Chapter 11 Cases
) Judge Linda B. Riegler
) **Adversary No. 08-01134**

In Re:
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
Debtor.

) **ORDER REGARDING DEFENDANT
) MICHAEL PETERSEN'S MOTION TO
) WITHDRAW PROOFS OF CLAIMS NOS.
) 754 AND 1470**

In Re:
USA CAPITAL FIRST TRUST DEED FUND,
LLC,
Debtor.

) Hearing Date: 3/20/2009
) Hearing Time: 9:30 a.m.

1 In Re:)
 2 USA SECURITIES, LLC,)
 3 Debtor.)
 4 _____)
 5 USACM LIQUIDATING TRUST and USA)
 6 CAPITAL DIVERSIFIED TRUST DEED)
 7 FUND, LLC,)
 8 Plaintiffs,)
 9 vs.)
 10 MARY PETERSEN, INDIVIDUALLY AND)
 11 AS TRUSTEE OF THE MARY PETERSEN)
 12 FAMILY TRUST DTD 8/12/98; MICHAEL)
 13 PETERSEN INDIVIDUALLY AND AS)
 14 TRUSTEE OF THE MICHAEL D.)
 15 PETERSEN FAMILY TRUST DTD 8/12/98;)
 16 KATHRYN PETERSEN INDIVIDUALLY)
 17 AND AS TRUSTEE OF THE KATHRYN L.)
 18 PETERSEN LIVING TRUST AND THE KLP)
 19 TRUST DTD 7/15/99,)
 20 Defendants.)

21 On March 20, 2009, this Court held a hearing on Defendant Michael Petersen's Motion To
 22 Withdraw Proofs Of Claim Nos. 754 And 1470 (Claim Objection Filed On April 12, 2008),
 23 requesting that Defendant be allowed to voluntarily withdraw Proof of Claims Nos. 754 and 1470
 24 pursuant to Fed. R. Bankr. P. 3006, hereafter *Defendant's Motion To Withdraw Proofs Of Claims*
 25 (Dckt. No. #86);

26 Eric D. Madden, Esq. and Michael J. Yoder, Esq., of Diamond McCarthy LLP appeared at
 27 the hearing as Special Litigation counsel for Plaintiff USACM Liquidating Trust, and John F.
 28 O'Reilly, Esq. and Timothy R. O'Reilly, Esq. of the O'Reilly Law Group, LLC and Steven J.
 Katzman, Esq. of Beinert, Miller, Weitzel & Katzman, P.C. appeared at the hearing on behalf of
 Defendant Michael Petersen.

The Court having considered the relief requested pursuant to the pleadings on file and
 having considered the arguments of counsel at the time of said hearing hereby grants the following
 relief:

1 It is hereby Ordered that *Defendant's Motion to Withdraw Proof Of Claims* is GRANTED.
2 It is further Ordered that Proof of Claims Nos. 754 and 1470 are withdrawn, with prejudice.

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5 Prepared and Submitted by:

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7 By /s/ Timothy R. O'Reilly

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